CASE SUMMARY

Complaint against Fire Services Department for improperly handling an application for Fire Services Certificate

The Complaint

The complainant, representing a company, complained against Fire Services Department (FSD) for:

(a) failing to handle properly the plan submitted by the complainant's company and referred by Food and Environmental Hygiene Department (FEHD), resulting in the plan being misplaced; and

(b) failing to take the initiative to contact FEHD for clarification on learning about the referrals and non-receipt of the plan such that the complainant had to make repeated enquiries, and that was unfair to the complainant.

Sequence of Events

2. The complainant's company applied, on behalf of a restaurant, to FEHD for a General Restaurant Licence. In mid-March 2002, the company submitted a revised plan of the restaurant to FEHD. In late March, the plan was referred to Buildings Department (BD) and FSD for follow-up action.

3. In mid-April, the complainant checked with FSD on the progress. Staff A of FSD said that the plan had not been received and advised him to contact FEHD for confirmation.

4. In late April, FSD received a letter from the restaurant applicant together with a copy of a letter issued by FEHD informing the complainant that the plan had been referred to FSD. In the meantime, FSD also received a copy of BD's reply to FEHD. Staff A contacted the complainant and advised him to submit the plan as soon as possible. The complainant said he would follow up the case with FEHD.

5. In early May, FSD received the plan referred by FEHD for the second time. As the relevant file could not be located, Staff B placed the plan in the "pending" tray for filing. However, he did not inform Staff A or his supervisor of this. Meanwhile, the complainant checked with FSD several times on progress. After checking with Staff B, Staff A told him that the plan had not been received.

6. The complainant was dissatisfied and lodged a complaint with this

Office.

7. In mid-May, upon receipt of an enquiry from FEHD, the officer-in-charge of the concerned FSD Sub-Regional Office found the plan in the “pending” tray. He opened a temporary file immediately for follow-up action. After a site inspection, FSD notified the applicant that his plan was accepted.

8. In late May, the original file was found by the Sub-Regional Office in a filing cabinet covered by another file.

Observations and Opinions

Complaint point (a)

9. FSD had acknowledged receipt of the plan upon FEHD’s initial referral. However, subsequently, the plan could not be located. FSD conducted an investigation and found that it was an isolated incident as no such case had occurred before. The Department has now improved the receipt and despatch procedures to prevent reoccurrence.

10. This Office considers the improvement measures acceptable but FSD should still be held responsible for the incident.

11. When Staff B received the plan referred for the second time and could not locate the relevant file, he should have opened a temporary file for follow-up action or sought instructions from his supervisor instead of just placing it in the “pending” tray. As a result, Staff A could not have the latest information to answer the complainant’s enquiries.

12. This Office considers complaint point (a) **substantiated**.

Complaint point (b)

13. Staff A had been made aware several times that FEHD had twice referred the plan to FSD, but he still did not take the initiative to clarify with FEHD and actively follow up the case. Instead, he advised the complainant to contact FEHD on his own to urge for further referral. That was unfair to the complainant and would affect the quality of service provided by the Department. If Staff A had taken the initiative to contact FEHD, the complainant would not have been aggrieved and thus lodged his complaint.

14. This Office considers complaint point (b) **substantiated**.

Conclusion

15. The Ombudsman considers the complaint **substantiated**.

16. Upon receipt of the complaint, FSD has promptly improved its procedures for receipt, record and transmission of documents and introduced bar-coding of files for easier retrieval. The department also counselled the staff concerned. This Office appreciates the positive attitude of FSD in handling the case.

Response from FSD

17. FSD and the staff concerned accepted our conclusion.

Office of The Ombudsman
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